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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,743	07/08/2005	Tadashi Nakamura	10873.1658USWO	9827
52835 7590 09/30/2008 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902				
EXAMINER				
WENDMAGEGN, GIRMSEW				
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09/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,743

Applicant(s)

NAKAMURA ET AL.

Examiner

GIRUMSEW WENDMAGEGN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
- Paper No(s)/Mail Date 7/8/05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim17-27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim17, 21 is drawn to a "program" *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a.

Claim18-20, 22-23 also reject under 35 U.S.C. 101 based on its dependency on rejected claim.

Claim24 is drawn to a "data structure" *per se* and it is non-statutory subject matter.

Claim25-27 also reject under 35 U.S.C. 101 based on its dependency on rejected claim.

Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional

interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1-3, 5-7, 9-11, 13-15, 17-19, 21, 23-26, 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujimura (Pub No US 2002/0156986).

Regarding claim1,5, 9, 17,23-24 Fujimura anticipates a recording apparatus, comprising: a recording section for recording information onto a recording medium(see figure3); a file system processing section for managing the information as a file using file system information having a directory hierarchy structure capable of being referenced using a path name(see figure3 and [0081]); a contents management information processing section for managing the directory and the file using contents management information (see paragraph 0081); and an extension information

processing section for managing extension information with respect to the directory and the file (see paragraph 0090-0091), wherein the contents management information includes: media object management information for referencing the directory and the file using object reference information obtained by converting the path name (see figure 5 and 9); and extended object management information for managing the extension information, wherein the directory and the file are associated with the extension information via the object reference information (see figure 5 and 9).

Regarding claim2, 25, Fujimura anticipates the recording apparatus according to claim 1, wherein the extended object management information includes consistency state management information for managing a state of the directory and the file with the extension information corresponding thereto (see paragraph 0155-0156), and when an operation is performed with respect to the directory and the file, the extension information of a type that can be processed is updated, the extension information of a type that cannot be processed is not updated, and the consistency state management information is updated depending on a state of the consistency of the directory and the file with the extension information (see paragraph 0153-0156).

Regarding claim3, 26, Fujimura anticipates the recording apparatus according to claim 2, wherein the consistency state management information is provided for each media object management information, and the consistency state management information includes, for each extension information, at least information indicating the presence or absence of reference relationship from the extension information to the directory and the file, and information indicating whether or not the consistency of the

directory and the file with the extension information corresponding thereto is assured (see paragraph 0111; paragraph 0153-0156).

Regarding claim6,10,18, Fujimura anticipates the recording method according to claim 5, wherein the extended object management information includes consistency state management information for managing a state of the directory and the file with the extension information corresponding thereto, and when an operation is performed with respect to the directory and the file, the recording method comprises updating the extension information of a type that can be processed, and updating the consistency state management information depending on a state of the consistency of the directory and the file with the extension information (see paragraph 0102-0104).

Regarding claim7,11,19, Fujimura anticipates the recording method according to claim 6, wherein the consistency state management information is provided for each media object management information, and the consistency state management information includes, for each extension information, at least information indicating the presence absence of reference relationship from the extension information to the directory and the file, and information indicating whether or not the consistency of the directory and the file with the extension information corresponding thereto is assured (see paragraph 0111).

Regarding claim13,15,21, Fujimura anticipates reproduction apparatus for reproducing information from the recording medium according to claim 10 or 11, the apparatus comprising: a reproduction section for reproducing the information from the recording medium (see figure3 reproduction unit); a file system processing section for

processing the file system information; an extension information processing section for processing the extension information ; and a contents management information processing section for processing the contents management information, wherein when processing the extension information corresponding to the directory and the file, the extension information processing section determines a procedure for processing the extension information according to a value set in the consistency state management information (see figure3 , paragraph 0126-0132).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim4, 8, 12, 14, 16, 20, 22, 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimura (Pub No US 2002/0156986).

Regarding claim4, 8, 12, 20, 22, 27, see the teaching of Fujimura above. Fujimura does not teach extension information including second update data and time information. However it is old and well known in the art to update data and time information. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to including update date and time in the extension information because it would give more detailed information.

Regarding claim 14, 16, Fujimura teaches reproduction apparatus for reproducing information from the recording medium according to claim 12, the apparatus comprising: a reproduction section for reproducing the information from the recording medium (see figure 3 reproduction unit); a file system processing section for processing the file system information; an extension information processing section for processing the extension information; and a contents management information processing section for processing the contents management information, wherein when processing the extension information corresponding to the directory and the file, the extension information processing section determines a procedure for processing the extension information according to a value set in the consistency state management information (see figure 3, paragraph 0126-0132).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621